



FEMINIST MAJORITY FOUNDATION

Working for Women's Equality

Eleanor Smeal
President

Peg Yorkin
Chair of the Board

Katherine Spillar
Executive Director

■ Washington DC
1600 Wilson Blvd
Suite 801
Arlington, VA 22209
703 522 2214
703 522 2219 fax

■ West Coast
433 S. Beverly Dr
Beverly Hills, CA
90212
310 556 2500
310 556 2509 fax

Web Site:
www.Feminist.org

January 6, 2017

Chairman Chuck Grassley
Committee on the Judiciary
United States Senate

Ranking Member Dianne Feinstein
Committee on the Judiciary
United States Senate

Dear Chairman Grassley and Ranking Member Feinstein,

On behalf of the Feminist Majority Foundation, a national organization dedicated to women's equality, reproductive health, and non-violence, I write to express strong opposition to the nomination of Senator Jeff Sessions for Attorney General of the United States. Senator Sessions' long and concerning record in public life demonstrates that he is both unqualified and unfit to serve as the chief enforcement officer of the nation's civil rights, criminal justice, and anti-discrimination laws.

As the head of the Department of Justice, the U.S. Attorney General is charged with ensuring that our nation's laws are enforced and applied fairly to protect the rights and dignity of all people. The position requires not only legal expertise, but also the unwavering ability to enforce the laws with integrity and impartiality, free from extremism, bias, and prejudice. The ability of an Attorney General to be fair-minded and to understand the impact of discrimination on the daily lives of ordinary people is especially important for those individuals and communities who face discrimination because of their sex, race, religion, gender identity, sexual orientation, disability, or other identities.

Unfortunately, Senator Jeff Sessions' record on women's and civil rights illustrates that he does not possess these qualifications and is therefore unfit to serve as Attorney General. In particular, the Feminist Majority Foundation has serious concerns regarding Senator Sessions' record with respect to violence against women, reproductive rights, anti-abortion violence, racial justice, and immigrant rights.

Violence against Women

Passed in 1994, the Violence Against Women Act (VAWA) was the first piece of federal legislation to specifically address domestic violence and sexual assault as crimes and to provide federal funding to improve local responses to violence against women, including training and resources for law enforcement and judges. Congress has reauthorized VAWA three times: in 2000, 2005, and 2013, when provisions were added to ensure that all survivors, including Native American women and college students, could access services, regardless of their sexual orientation, gender identity, or immigration status.

VAWA was groundbreaking in its unequivocal recognition of gender-based violence as a crime, and the law has undoubtedly saved lives. Since 1994, yearly domestic violence rates have dropped, the number of people killed by intimate partner violence has gone down, and survivors of gender-based violence, including sexual assault, have had better access to services, including legal assistance, crisis intervention, shelter, and support.ⁱ

Still, there is more to do. Recent data shows that one in five women in the U.S. has been raped in her lifetime, including one in five college students,ⁱⁱ and one in three women has been a victim of some form of physical violence by an intimate partner.ⁱⁱⁱ Women in the U.S. are also more vulnerable to stalking. Over 19 million women in the U.S. have been stalked in their lifetime, the majority (60.8 percent) by current or former intimate partners.^{iv}

The Department of Justice has sole jurisdiction over enforcing federal statutes criminalizing violence against women and other forms of gender-based violence. In order to protect the right of all people to be free from this type of violence, the Department must engage in vigorous enforcement of the law. **Yet, Senator Jeff Sessions has not been steadfast in condemning violence against women.** Only months ago, when it was politically expedient, Senator Sessions called it “a stretch” to characterize then-candidate Donald Trump’s comments about grabbing women’s genitals without their consent as sexual assault.^v Sessions’ failure to identify non-consensual, abusive sexual touching as assault, at least when committed by a powerful man, raises grave concerns about his ability to apply the law impartially. Sessions’ remark also calls into question his willingness to be a champion against the continuing epidemic of violence against women in this country.

In addition to enforcing federal criminal laws, the Department of Justice, through its Office on Violence Against Women, also administers critically needed programs to strengthen state and local law enforcement efforts to address gender-based violence and funds programs for survivors. **Yet, in 2013, Senator Jeff Sessions voted against reauthorizing and expanding the Violence Against Women Act to immigrant women, Native American women, and college students.** That year, VAWA reauthorization passed in the Senate by a 78-22 vote, with bipartisan support.^{vi} Senator Sessions was in the clear minority of legislators who voted to prevent survivors from accessing services and to make it easier for perpetrators of violence to avoid justice.

Reproductive Rights

Senator Sessions has unfailingly opposed women’s reproductive health and rights for the entirety of his career in the Senate. With respect to the constitutionally protected right to abortion, **Sessions called *Roe v. Wade* a “colossally erroneous” decision, and has repeatedly and unsuccessfully tried to undermine the right to abortion through legislation.**^{vii} Sessions voted multiple times in support of fetal rights legislation designed to further restrict women’s ability to access abortion. He also supported legislation that would ban abortion at 20-weeks, a policy numerous federal courts have blocked for being unconstitutional.^{viii}

Sessions' contempt for women's reproductive health and rights, however, is not limited to abortion. Sessions has voted repeatedly to eliminate Title X family planning funding, which provides birth control, cancer screenings, and other healthcare services to millions of women, and has voted consistently to defund Planned Parenthood health centers.

Senator Sessions' position on women's reproductive health and rights puts him well outside of the mainstream as evidenced by the support Sessions has received from anti-abortion extremist Troy Newman, President of Operation Rescue. In a press release, Newman said that Operation Rescue "could not be happier about the selection of Sen. Jeff Sessions as the next Attorney General."^{ix}

Under Newman's leadership, Operation Rescue engaged in a seven-year campaign of intimidation and harassment against Wichita, Kansas abortion provider Dr. George Tiller, who was murdered—in his church—in 2009 by a self-proclaimed Operation Rescue participant Scott Roeder. Newman has publically disavowed violence against abortion providers and claims not to know Roeder, but Operation Rescue continues to employ Cheryl Sullenger as its Senior Vice President. Sullenger previously served two years in prison for conspiring to bomb an abortion clinic in San Diego. Her name and phone number were found on the dashboard of Roeder's car when police arrested Roeder for the murder of Dr. Tiller.

Newman was also a founding board member of the anti-abortion group Center for Medical Progress and reportedly served as an advisor to the group's deceptive and malicious video campaign against Planned Parenthood. The false and derogatory claims made against Planned Parenthood were roundly debunked by investigations in twelve states that found no evidence of wrongdoing by the healthcare provider.

Sessions' positions on abortion and birth control do not reflect either our constitutional principles or prevailing public opinion. His dogged attempts to gut *Roe v. Wade* and restrict access to reproductive health care raise serious concerns about his ability to separate personal ideology from the job at hand. That Sessions may be aligned with Newman only raises further concerns about Sessions' willingness and desire to defend and uphold the constitutional right to abortion and the federal Freedom of Access to Clinic Entrances Act (FACE).

Anti-Abortion Violence

More specifically, the Feminist Majority Foundation has concerns regarding Sessions' commitment to protecting abortion providers, patients, and others from anti-abortion violence.

Since 1977, there have been at least 11 murders, 26 attempted murders, 42 bombings, 185 arsons, and thousands of criminal activities directed at abortion providers.^x In 2014, one in five women's health clinics in the United States experiences severe anti-abortion violence, including blockades, clinic invasions, bombings, arson, chemical attacks, physical violence, stalking, gunfire, bomb threats, arson threats, or death threats.^{xi} Reports of threats and violence against abortion providers, however, have increased since then.^{xii} In the first half of 2016, the number

of clinics experiencing severe violence and threats increased to 34.2 percent.^{xiii} The need for an Attorney General who will prioritize holding individuals who commit these acts of violence accountable is therefore extremely critical.

The Department of Justice is responsible for enforcing the Freedom of Access to Clinic Entrances Act (FACE), 18 U.S.C. § 248, which prohibits individuals from using violence and intimidation to prevent individuals from accessing reproductive health services. In addition, the Department houses the National Task Force on Violence Against Health Care Providers, which has played an important role in addressing and preventing anti-abortion violence.

Sessions' record, however, does not demonstrate that he would prioritize the Task Force, even with the increase in anti-abortion violence, or that he would work to vigorously prosecute anti-abortion crime and hold perpetrators accountable. For example, **Sessions has voted against legislation designed to promote clinic safety,^{xiv} and has repeatedly voted against a measure to prevent convicted perpetrators of violent crimes against abortion providers from filing for bankruptcy to avoid paying resulting fines.^{xv}**

Racial Justice

In 1986, a Republican-controlled Senate Judiciary Committee rejected then-U.S. Attorney Sessions' nomination to be a federal district court judge after hearing evidence concerning Sessions' alarming civil rights record and history of making racially-charged statements. This record included the misguided prosecution of three African-American voting rights activists on numerous charges, all of which were promptly rejected by a jury, as well as statements calling the NAACP "un-American" and warning an African-American colleague to be careful about what he said "to white folks."^{xvi}

Sessions' record on civil rights since 1986 continues to be alarming. Sessions has called the Voting Rights Act, passed to protect African-Americans' right to vote, "a piece of intrusive legislation," and he has continued to minimize voter suppression tactics in the South, saying in 2013, "if you go to Alabama, Georgia, North Carolina, people aren't denied the vote because of the color of their skin."^{xvii} Yet, a panel of the U.S. Court of Appeals for the Fourth Circuit found in 2016 that provisions of North Carolina's 2013 voter identification laws were designed to do just that.^{xviii} Sessions' flippant attitude concerning the voting rights of African-Americans continues to pose grave concerns for his ability to defend against voter suppression efforts, whether directed specifically at African-Americans or other groups.

The Department of Justice also plays an important role in helping to ensure that law enforcement agencies respect the nation's civil rights laws. This role is especially critical at this time in our nation's history when we are actively grappling with high levels of police violence against African-Americans and poor relationships between certain minority communities and police. It is imperative that the Department of Justice continue to prioritize its work to promote better community policing strategies and hold law enforcement agencies accountable for civil rights violations. Sessions, however, has been critical of the Department for investigating law

enforcement agencies accused of misconduct and a “pattern or practice” of violating civil rights, condemning consent decrees that mandate police reform.^{xix}

LGBTQ Rights

Sessions also has a troubling record on protecting the rights of LGBTQ individuals. Sessions supported a constitutional amendment to ban same-sex marriage and opposed repeal of “Don’t Ask Don’t Tell.” He was also an original co-sponsor of a bill, introduced last year, that would allow individuals, businesses and nonprofit organizations to circumvent federal protections for LGBTQ couples and families under the guise of protecting religious liberty.^{xx}

The Department of Justice is responsible for prosecuting hate crimes, including those against LGBTQ people, yet Senator Sessions did not feel LGBTQ individuals needed this protection. Instead, **Sessions vigorously opposed the 2009 Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act.** His opposition is particularly concerning given that the Attorney General must sign off on all criminal hate crimes prosecutions, and LGBTQ individuals are more likely to experience hate crimes than individuals from any other group.^{xxi}

Immigration

The Department of Justice is responsible for the Executive Office for Immigration Review, which adjudicates immigration cases, as well as the Office of Immigration Litigation and the Office of Special Counsel for Unfair Immigration-Related Employment Practices, which investigates and prosecutes certain forms of employment discrimination based on nationality or citizenship status.

The public must be able to count on the Attorney General to treat immigrants to the United States fairly under the law, yet **Senator Sessions has long associated with advocacy groups that promote anti-immigrant and anti-Muslim rhetoric**, calling into question his ability to carry out this role effectively. In particular, the Feminist Majority Foundation shares concerns raised by several immigrant rights groups about Senator Sessions’ relationship with David Horowitz, of whom he has spoken favorably, and the David Horowitz Freedom Center, a group designated an anti-Muslim extremist group by the Southern Poverty Law Center. We also share concerns regarding Sessions’ relationship to several anti-immigration groups founded by John Tanton, an activist who has promoted white nationalist ideas.^{xxii}

Conclusion

The Attorney General of the United States plays a special role in advancing civil rights and ensuring access to justice. Thirty years ago, then-U.S. Attorney Sessions failed as a nominee for a federal district judgeship because of concerns regarding his ability to protect civil rights and apply the law fairly, without personal or political bias. As the Judiciary Committee considers his nomination of now-Senator Jeff Sessions to take on the responsibility of the Attorney General, each Committee member must ask what, in Sessions’ long record of public life, suggests that he

is now prepared to enforce our nation's civil rights laws. A review of his record demonstrates that on the core issues of women's rights, reproductive health and rights, racial justice, and immigration, Senator Sessions' views have not changed. The Feminist Majority Foundation must therefore object to the nomination of Senator Jeff Sessions for U.S. Attorney General.

Sincerely,



Eleanor Smeal
President

ⁱ Stacy Teicher Khadaroo, In US, A Decline in Domestic Violence, *Christian Science Monitor*, (Aug. 26, 2014), <http://www.csmonitor.com/World/Progress-Watch/2014/0826/In-US-a-decline-in-domestic-violence>

ⁱⁱ National Sexual Violence Resource Center, Statistics About Sexual Violence, http://www.nsvrc.org/sites/default/files/publications_nsvrc_factsheet_media-packet_statistics-about-sexual-violence_0.pdf

ⁱⁱⁱ National Coalition Against Domestic Violence, National Statistics, <http://ncadv.org/learn-more/statistics>

^{iv} Ibid.

^v Laura Bassett, GOP Senate Says Grabbing a Woman's Genitals Is Not Sexual Assault, *Huffington Post*, (Oct. 11, 2016), http://www.huffingtonpost.com/entry/jeff-sessions-trump-sexual-assault_us_57fbb902e4b068ecb5e06988

^{vi} Violence Against Women Reauthorization Act of 2013, S. 47, 2/12/13.

^{vii} Steven Ertelt, President-Elect Donald Trump Names Pro-Life Sen. Jeff Sessions His Attorney General, *LifeNews.com*, (Nov. 18, 2016), <http://www.lifenews.com/2016/11/18/president-elect-donald-trump-names-pro-life-sen-jeff-sessions-his-attorney-general/>

^{viii} Imani Gandhi, 20-Week Abortion Bans: Still Unconstitutional After All These Years, *Rewire*, (May 12, 2015), <https://rewire.news/article/2015/05/12/20-week-abortion-bans-still-unconstitutional-years/>

^{ix} Operation Rescue, We Stand Ready to Assist Attorney General-Designate Sessions in Prosecuting Planned Parenthood, 11/18/16.

^x National Abortion Federation, 2015 Violence and Disruption Statistics (April 2016), <http://prochoice.org/wp-content/uploads/2015-NAF-Violence-Disruption-Stats.pdf>

^{xi} Feminist Majority Foundation, 2014 National Clinic Violence Survey (Jan. 2015), <http://www.feminist.org/rrights/pdf/2015NCAPsurvey.pdf>

^{xii} See supra, note viii.

^{xiii} Feminist Majority Foundation, 2016 National Clinic Violence Survey (to be released in late January 2017).

^{xiv} Motion to table Murray amendment to H.R. 3762, 12/3/15.

^{xv} Schumer amendment to Bankruptcy Reform Act, S. 265, 2/2/00; Bankruptcy Reform Act, H.R. 2415, 12/7/00; Schumer amendment to Bankruptcy Reform Act, S. 256, 3/8/05.

^{xvi} Ari Berman, Jeff Sessions, Trump's Pick for Attorney General, Is a Fierce Opponent of Civil Rights, *The Nation*, (Nov. 18, 2016), <https://www.thenation.com/article/jeff-sessions-trumps-pick-for-attorney-general-is-a-fierce-opponent-of-civil-rights/>

^{xvii} Ibid.

^{xviii} North Carolina NAACP v. McCrory, U.S. Circuit Court of Appeals for the Fourth Circuit (July 29, 2016).

^{xix} Eli Hager, Alysia Santo and Simone Weichselbaum, 8 Ways Jeff Sessions Could Change Criminal Justice, *The Marshall Project*, (Nov. 18, 2016), <https://www.themarshallproject.org/2016/11/18/8-ways-jeff-sessions-could-change-criminal-justice?ref=hp-1-122#.j2J1xp2IN>

^{xx} First Amendment Defense Act, S. 1598, 6/17/15.

^{xxi} Haeyoun Park & Iaryna Mykhalysyn, L.G.B.T. People Are More Likely to be Targets of Hate Crimes Than Any Other Minority Group, *The New York Times* (Jun. 16, 2016), http://www.nytimes.com/interactive/2016/06/16/us/hate-crimes-against-lgbt.html?_r=0